

Minutes
Catawba County Board of Commissioners
Regular Session, Monday, December 16, 2002, 7:00 p.m.

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The Catawba County Board of Commissioners met in regular session on Monday, December 16, 2002, 7:00 p.m., at the 1924 Courthouse, Robert E. Hibbitts Meeting Room, 30 North College Avenue, Newton, North Carolina.

Present were Chair Katherine W. Barnes, Vice Chairman Dan A. Hunsucker, Commissioners Glenn E. Barger and Lynn M. Lail.

Absent: Barbara G. Beatty.

A quorum was present.

Also present were County Manager/Deputy Clerk J. Thomas Lundy, Deputy County Manager Steven D. Wyatt, Assistant County Manager Mick W. Berry, County Attorney Robert Oren Eades, Staff Attorney Debra Bechtel, and County Clerk Thelda B. Rhoney.

1. Chair Barnes called the meeting to order at 7:00 p.m.
2. Invocation offered by Commissioner Hunsucker.
3. Commissioner Barger made a motion to approve the minutes from the regular session of Monday, December 2, 2002. The motion carried unanimously.
4. Special Guests and Public Comment. None.
5. Public Hearings:
 - a. CDBG 2003 Scattered Site Housing Grant – Second Public Hearing.

Planning Director Jacky M. Eubanks said on November 4, 2002, the Board adopted a CDBG Scattered Site Project Budget Ordinance in the amount of \$10,000 and approved an Agreement with the Western Piedmont Council of Governments (WPCOG) to prepare a Scattered Site Grant application. The Board called for a second public hearing at its December 2, 2002 meeting. The application will be submitted to the Division of Community Assistance on or before January 6, 2003. Catawba County will receive a \$400,000 Grant (\$390,000 plus \$10,000 already received) to provide funds to assist with the rehabilitation of severely deteriorated homes which are owned and occupied by very low-income households. Catawba County plans to apply the funds toward the rehabilitation of approximately 12 houses within the County limits. Priority will be given to households whole members are elderly, disabled or handicapped, or income below 30 percent of area median income, and homes that can be rehabilitated for less than \$25,000. The Program is scheduled to last 30 months from the time funding is awarded to completion.

Resolution No. 2002-33
Authorizing Resolution and Certification

WHEREAS, various State and Federal agencies provide for funds to municipalities to meet the needs of local governments in financing the cost of Community Development; and

WHEREAS, the Department of Commerce will be the State administering agency for the Community Development Block Grant Program; and

WHEREAS, the Community Development Block Grant Program has Community Development funds available to local governments to assist low and moderate income people; and

WHEREAS, the Catawba County Board of Commissioners has solicited and received citizen input regarding the Catawba County Scattered Site Housing Project as described in the formal CDBG application.

NOW, THEREFORE, BE IT RESOLVED by the Catawba County Board of Commissioners:

That the Catawba County will substantially comply with all Federal, State and local laws, rules, regulations and ordinances pertaining to the project and to Federal and State grants pertaining thereto.

That, J. Thomas Lundy, County Manager, and successors so titled is hereby authorized to develop, execute and file an application on behalf of the Catawba County to appropriate Federal and State agencies to secure funds for the Community Development Block Grant Project.

That, J. Thomas Lundy, County Manager, and successors so titled is hereby authorized and directed to furnish such information as the appropriate governmental agencies my request in connection with such applications for the project; to make the assurances and certifications as contained above; and to execute such other documents as may be required in connection with the construction of the project.

That this resolution shall take effect immediately upon its adoption.

Adopted this the 16th day of December, 2002 at Newton, Catawba County, North Carolina.

/s/ Katherine W. Barnes, Chair
Catawba County Board of Commissioners

/s/ Thelda B. Rhoney
Clerk to the Board of Commissioners

Catawba County Distribution Plan 2003 CDBG Scattered Site Housing Rehabilitation Program

What is the Community Development Block Grant (CDBG) Scattered Site Housing Rehabilitation Program?

Catawba County has been awarded \$400,000 by the North Carolina Department of Commerce, Division of Community Assistance ("DCA") under the 2003 cycle of the CDBG Scattered Site Housing Rehabilitation Program, hereinafter referred to as "Program". This program provides funds to assist with the rehabilitation of severely deteriorated homes which are owned and occupied by very-low-income households. Catawba County plans to apply the funds toward the rehabilitation of approximately twelve (12) houses within the County limits. Priority will be given to households whose members are elderly, disabled or handicapped, or incomes below 30% of area median income, and homes that can be rehabilitated for less than \$25,000. The Program is scheduled to last 30 months from the time of funding award to completion.

This Distribution Plan describes who is eligible to apply for assistance under the CDBG program, how applications for assistance will be rated and ranked, what the terms of assistance are and how the rehabilitation process will be managed. Catawba County has tried to design this CDBG project to be fair, open, and consistent with Catawba County's approved application for funding and with DCA's CDBG Program Guidelines. A Selection Committee has been established which consists of local government officials, a representative from each municipality in Catawba County, the Program Administrator and the Rehabilitation Specialist/Inspector. This Committee will meet as needed during the life of the project determine and select eligible applicants based on the methodology described in this document.

Who is eligible to apply?

- Applicants must reside within Catawba County. (Excluding the City Limits of Hickory.)
- Household income must be at or below 50% of area median income.
- Applicants for CDBG rehabilitation assistance must prove that they own and occupy the property to be rehabilitated as their primary residence.
- Applicants must not have any overdue loans or loans in default.
- Local Municipal and County taxes must be current.
- Applicants must fit the special needs category targeted by this program: one or more occupants of the household must be elderly or have a severe disability. *(These terms are defined below.)*
- Homes selected for rehabilitation must be capable of being brought up to standards with the limited funding available.

**2002 Income Limits for Catawba County's CDBG Scattered-Site
Housing Rehabilitation Initiative Program**

Number in Household	30% of Median	50% of Median (Very Low Income)
1	\$10,800	\$18,050
2	\$12,350	\$20,600
3	\$13,900	\$23,200
4	\$15,450	\$25,750
5	\$16,700	\$27,800
6	\$17,900	\$29,850
7	\$19,150	\$31,950
8	\$20,400	\$34,000

What types of houses are eligible?

Properties are eligible only if they meet all of the following requirements:

- The property must be an owner-occupied, single-family house in Catawba County.
- The property must require at least \$1,500 worth of non-weatherization improvements in order to meet CDBG program standards.
- The property must be free of environmental hazards and other nuisances as defined by the Catawba County Code, or any such hazards or nuisances must be corrected as part of the rehabilitation of the unit. Catawba County's Rehabilitation Specialist will determine whether there are environmental hazards/nuisances present on the site and if they can be removed through rehabilitation.
- The property must not currently meet the minimum housing and rehabilitation standards of the Catawba County Code and/or the HUD Housing Quality Standards (HQS).
- The property must be economically feasible to rehabilitate. This means that it must be possible to bring the unit into compliance with all Program rehabilitation standards at a cost not exceeding the program limits or \$29,999 or \$33 per square foot of floor space, unless this unit requires lead based paint abatement activities. In certain circumstances, homes may be eligible for "Substantial Rehabilitation" or "Clearance and Re-location." These types of treatments would allow expenditures in excess of the \$29,999 or \$33.00 per square foot limits.
- Properties cannot be located in the right-of-way of any impending or planned public improvements. Catawba County's Rehabilitation Specialist will assist in making this determination.
- The property cannot be located on a site that is endangered by mudslides, landslides or other natural or environmental hazards. The Rehabilitation Specialist will work with the homeowner to make this determination, if needed.
- The property may not be located in a flood hazard area. *(Catawba County will verify whether the home is in the flood plain.)*
- The property cannot have been repaired or rehabilitated with public funding of \$5,000 or more within the past 10 years.

How are applications ranked?

There are many more eligible households (with eligible houses) than can be assisted with the available funds; therefore, Catawba County has devised the following priority system to rank eligible applicants. Under this system applicants will receive points for categories of personal need. The applications will be ranked according to which receive the most points.

**Priority Ranking System for Catawba County's
2002 Scattered Site Housing Rehabilitation Program**

<i>Special Needs (for definitions, see below)</i>	<i>Points</i>
Elderly Head of Household	5
Disabled Head of Household	5
Disabled Household Member <i>(not Head of Household)</i>	3
Frail/Elderly Household Member	3
Substandard Housing Conditions Cost Estimate	0 to 6
<i>Income (See Income Table above)</i>	<i>Points</i>
Less than 30% of County Median Income	5
30% to 40% of County Median Income	3

40% to 50% of County Median Income

1

The definitions of special needs populations under the Program are:

- *Disabled*: A person who has a physical, mental or developmental disability that greatly limits one or more major life activities, has a record of such impairment, or is regarded as having such an impairment.
- *Elderly*: A person who is age 62 or older.
- *Frail/Elderly*: A person who possesses impairments to daily living, such as walking, toileting, bathing, eating and moving from bed to chair without assistance.
- *Head of Household*: The person or persons who own(s) the house.
- *Household Member*: Any individual who is an occupant (defined below) of the unit to be rehabilitated shall be considered a "household member" (the number of household members will be used to determine household size and all household members are subject to income verification).
- *Occupant*: An occupant is defined as any immediate family member (mother, father, spouse, son/daughter of the head of the household, regardless of the time of occupancy); or non-immediate family member who has resided in the dwelling at least 3 months prior to the submission of the family's application.
- *Substandard Housing Conditions*: Homes which display severely substandard conditions, determined by a preliminary cost estimate performed by the Rehabilitation Specialist, will be awarded points based on the following system:

Amount of rehabilitation funds needed to bring
the house into standard condition

Points Awarded

Between \$1 and \$5,000	0
Between \$5,001 and \$10,000	1
Between \$10,001 and \$15,000	2
Between \$15,001 and \$20,000	5
Between \$20,001 and \$25,000	6
Between \$25,001 and \$29,999	3
Above \$30,000	2

Recipients of assistance under the CDBG program will be chosen by the above criteria without regard to race, creed, sex, color or national origin.

What are the terms of assistance under the Program?

Catawba County will provide assistance to the homeowners whose homes are selected for rehabilitation, with funds provided from DCA. Catawba County will determine the scope of work needed to meet CDBG program standards, prepare a work write-up and bid documents, solicit competitive bids from approved contractors, provide contract documents, conduct a preconstruction conference, inspect work in progress, and disburse funds to the contractor.

To pay for the rehabilitation work, Catawba County will provide Program funds in the form of an interest-free, deferred-payment loan to the homeowner. As long as the borrower lives in the home, no payments on the loan will be required. Furthermore, no payment will be required as long as the house continues to be both owned and occupied by a household whose income is less than 50% of the median income. That means any heir who may inherit the property from the original borrower, or any buyer who may wish to buy the property to live in, may "assume" the loan, and make no payments, so long as they can document that they are income-eligible.

The deferred-payment loan has a "term" of 5 to 8 years depending on the amount of assistance provided (see Recapture Provisions below), which means that payment may be due at any time during the life of the loan if the property is transferred to a non-income-eligible recipient. (See specific terms in the Deferred Loan Agreement and Deed of Trust).

CDBG Assistance

Less than \$12,000

\$12,001-16,000

\$16,001-19,999

\$20,000 or more

Recapture Terms

5 Years

6 Years

7 Years

8 Years

What kinds of work will be done?

Each house selected for assistance will be rehabilitated to meet all Program rehabilitation standards. That means every house must, upon completion of the rehabilitation:

- Meet the US Department of Housing and Urban Development ("HUD") Section 8 Housing Quality Standards and the County of Catawba's Minimum Housing Code. (These are so-called "habitability standards" which set minimum standards for decent, safe and sanitary living conditions.)
- Meet or exceed N.C. Small Cities CDBG Housing Rehabilitation Standards.
- Retain no "imminent threats" to the house's "structural integrity". (This means Catawba County will try to ensure that if you provide reasonable maintenance over the years your house should be capable of lasting at least 30 or 40 more years after rehabilitation. One good example of an imminent threat to structural integrity is a crawlspace that is too damp. In time it might promote damage to your framing through termites or fungi.)
- Housing units of potential historical significance may be required to meet the Secretary of the Interior's standards for historic preservation.

In addition to the above items that must be done to satisfy Program requirements, the scope of work may also include certain items meant to enhance or protect neighborhood and unit property values, and/or home modifications designed to enable frail or disabled household members to function more independently. Generally, Catawba County will specify that rehabilitation tasks be accomplished in the least expensive method that is deemed adequate to meet program standards. The CDBG assistance cannot be used for luxury or non-essential work.

Contractors performing work funded under the Program are responsible for meeting all local requirements for permits and inspections. All work done under the program must be performed to NC State Building Code Volume VII standards. (This does not mean, however, that the whole house must be brought up to Building Code Standards.)

What about lead-based paint? Until it was discovered to be a health hazard, the metal lead was used for centuries to make house paints. Now we know that eating chips or dust of lead-based paint can cause very serious problems for small children. Selling lead paint was outlawed in 1978, but many older buildings still contain lead paint and children are still being poisoned.

The U.S. Department of Housing and Urban Development (DHUD) has adopted new regulations regarding lead based paint identification and removal (abatement) in housing being rehabilitated using federal funds, such as PROGRAM. Under the Program, if a home selected for rehabilitation was built before 1978 then these regulations must be followed.

In either case, if lead based paint is present in the house and the house can be treated with the Program, it may be necessary for the household to relocate during the construction process for protection against further lead poisoning. If relocation is required, reasonable and documented relocation expenses will be covered by the Program assistance.

A copy of the new DHUD Lead Based Paint regulations (found in the Federal Register at 24CFR Part 35) is available for review upon request at reasonable times, at the Catawba County Community Development Office.

Who will do the work on the homes? Catawba County is obligated under the Program to ensure that quality work is done at reasonable prices and that all work is contracted through a fair, open and competitive process. To meet those very difficult requirements, Catawba County will invite bids only from contractors who are part of an Approved Contractors Roster.

To be on the roster, contractors must (1) fill out an application form, listing several references and recent jobs completed, (including any past rehabilitation experience with state or federally funded housing programs such as, but not limited to CDBG, SFR, URP or HELP), and (2) receive the "conditional approval" of Catawba County. All approved contractors must have Liability insurance of at least \$300,000 personal injury and \$100,000 property damage. In addition, Workman's Compensation may be required depending on the number of employees. Once a contractor who has been conditionally approved has successfully completed one job for Catawba County, his or her status is

upgraded to "regular approval", meaning that they will be allowed to bid on a regular rotation as long as they remain in good standing. (Homeowners who know of quality rehabilitation contractors that are not on Catawba County's Approved Contractors Roster are welcome to invite them to apply.)

Contractors will be invited to bid on each job, and the lowest responsive and responsible bidder will be selected for the contract. "Responsive and responsible" means the contractor (1) is deemed able to complete the work in a timely fashion, and (2) that the bid is within 10% (in either direction) of Catawba County's cost estimate.

What are the steps in the process, from application to completion? Now that you have the information about how to qualify for the Catawba County 2003 CDBG Scattered Site Housing Rehabilitation Program, what work can be done, and who will do it, let's go through all the major steps in the process:

1. Completing an Application form: Apply by contacting Laurie Huffman at 828-322-9191 ext. 249 or at Catawba County Planning Offices at 828-465-8297. Proof of ownership and income will be required. Those who have applied for housing assistance from Catawba County in the past will not automatically be reconsidered. A new application will need to be submitted. Applications will be accepted until a pre-determined date.
2. Preliminary inspection: Catawba County's Rehabilitation Specialist will visit the homes of potential recipients to determine the need and feasibility of the home for rehabilitation.
3. Screening of applicants: Applications will be rated and ranked by Catawba County based on need factors and the feasibility of the house for rehabilitation. Household income will be verified for program purposes only (information will be kept confidential). Ownership of property will be verified along with other rating factors. From this review, the twelve (12) most qualified applicants will be chosen according to the point system described above. There will also be a list of three (3) alternates.
4. Applicant interviews: Approved applicants will be provided detailed information on assistance, lead hazards, program rehabilitation standards and the contracting procedures associated with their project at this informational interview. Before proceeding with the rehabilitation of their home, the applicant will be given five (5) days in which to decide whether to accept the loan and participate in the CDBG program or not. Applicants will be encouraged to consult with family members and legal professionals in order to determine the best course of action for them.
5. Work write-up: Catawba County's Rehabilitation Specialist Ken Hollar will visit the home again for a more thorough inspection. This inspection may include a sophisticated "blower door" test to diagnose energy loss and combustion appliance safety. All parts of the home must be made accessible for inspection, including the attic and crawlspace, if any. The owner should report any known problems such as electrical short circuits, blinking lights, roof leaks and the like. The Rehabilitation Specialist will prepare complete and detailed work specifications (known as the "work write-up". Mr. Hollar will prepare a final cost estimate which will be held in confidence until bidding is completed).
6. Bidding: The work write-up and bid documents will be mailed to contractors on the Approved Contractors Registry. They will be given two to three weeks in which to inspect the property and prepare bid proposals. The names of the invited contractors will be supplied to the homeowner. Each will need access to all parts of the house in order to prepare a bid. A bid opening will be conducted at Catawba County Administrative Offices at a specified date and time, with all bidders and the homeowner invited to attend.
7. Contractor selection: Within 48 hours of the bid opening, after review of bid breakdowns and timing factors, the winning bidder will be selected. All bidders and the homeowner will be notified of (1) the selection, (2) the amount, (3) the amount of Catawba County's cost estimate, and (4) if other than the lowest bidder is selected, of the specific reasons for the selection. Contractors must submit proof of liability insurance.
8. Pre-construction conference: A pre-construction conference will be held at the home. At this time, the homeowner, contractor and program representatives will discuss the details of the work to be done. Starting and ending dates will be agreed upon, along with any special arrangements such as weekend or evening work hours and disposition of items to be removed from the home (such as old cabinets,

etc.). A contract will be signed between the contractor and the homeowner, with Catawba County signing as an interested third party. Within 24 hours of the pre-construction conference, Catawba County will issue a "proceed order" formally instructing the contractor to commence by the agreed-upon date. A Deferred Loan Agreement and Deed of Trust will be executed and will bind all parties and make the project official. A Notice of the Right to Cancel and a Truth-in-Lending State will accompany every Deed of Trust and be provided to each owner at this time. The Deed of Trust will be recorded with the Catawba County Register of Deeds prior to commencing rehabilitation.

9. Construction: The contractor will be responsible for obtaining a building permit for the project before beginning work. The permit must be posted at the house during the entire period of construction. Program staff will closely monitor the contractor during the construction period to make sure that the work is being done according to the work write-up (which is made a part of the rehabilitation contract by reference) and in a timely fashion. Catawba County Building Inspectors will inspect new work for compliance with the State Building Code, as with any other job. The homeowner will be responsible for working with the contractor toward protecting personal property by clearing work areas as much as practicable.
10. Change Orders: All changes to the scope of work must be approved by the owner and Catawba County Rehabilitation Specialist, and reduced to writing as a contract amendment ("change order"). If the changes require an adjustment in the loan amount, the change must be specified in the change order. Also, a modification agreement stating these changes in the contract amount must be completed by Catawba County, and executed by the owner.
11. Progress payments: The contractor is entitled to request partial payments during construction. When a payment is requested, the Rehabilitation Specialist will inspect the work within three days, list all items deemed 100% complete, and calculate a payment.
12. Closeout: When the contractor declares the work complete, program staff will thoroughly inspect work. If deficiencies are observed, the contractor will be required to correct them. When the Rehabilitation Specialist and the homeowner are satisfied that the contract has been fulfilled, each will sign off and, after receipt of the contractor's final invoice, the final payment will be ordered. The contractor will submit all lien releases prior to release of the final payment. All material and workmanship will be guaranteed for a one-year period after the date of project completion.
13. Post-construction conference: Following construction the contractor and the Rehabilitation Specialist will sit down with the homeowner one last time. At this conference the contractor will hand over all owners' manuals and warranties on equipment. The contractor and Rehabilitation Specialist will go over operating and maintenance requirements for the new equipment and appliances and discuss general maintenance of the home with the homeowner. The homeowner will have the opportunity to ask any final questions about work.
14. The warranty period: It is extremely important that any problems with the work that was performed be reported to the Rehabilitation Specialist as soon as possible. All bona fide defects in materials and workmanship reported within one year of completion of construction will be corrected free of charge.

Can I learn about other programs which may help me?

Catawba County will make referrals as appropriate to other service agencies such as the, Independent Living Rehabilitation Program, Catawba County Social Services, Blue Ridge Community Action, etc.

How do I request an application?

Contact: Laurie Huffman, 828-322-9191 ext. 249.

Is there a procedure for dealing with complaints, disputes and appeals?

Although the application process and rehabilitation guidelines are meant to be as fair as possible, Catawba County realizes that there is still a chance that some applicants or participants may feel that they are not treated fairly. The following procedures are designed to provide an avenue for resolution of complaints and appeals.

During the application process:

1. If an applicant feels that his/her application was not fairly reviewed or rated and would like to appeal the decision made about it, he/she should contact CDBG Program Administrator within five days of the initial decision and voice their concern. If the applicant remains dissatisfied with the decision, the detailed complaint should be put into writing.
2. A written appeal must be made within 10 business days of the initial decision on an application.
3. The Catawba County Board of Commissioners will respond in writing to any complaints or appeals within 10 business days of receiving written comments. This decision shall be final.

During the rehabilitation process:

1. If the homeowner feels that construction is not being completed according to the contract, he/she must inform the contractor and the Rehabilitation Specialist.
2. The Rehabilitation Specialist will inspect the work in question. If he finds that the work is not being completed according to contract, the Rehabilitation Specialist will review the contract with the contractor and ask the contractor to remedy the problem.
3. If problems persist, a mediation conference between the homeowner and the contractor may be convened by the Rehabilitation Specialist and facilitated by Catawba County CDBG Program Administrator.
4. Should the mediation conference fail to resolve the dispute, the CDBG Program Administrator will render a written final decision.
5. If the Rehabilitation Specialist finds that the work is being completed according to contract, the complaint will be noted and the Rehabilitation Specialist and the homeowner will discuss the concern and the reason for the Rehabilitation Specialist's decision.

Will the personal information provided remain confidential?

Yes. All information in applicant files will remain confidential. Access to the information will be provided only to Catawba County employees who are directly involved in the program, the North Carolina Department of Commerce, Division of Community Assistance (DCA), the US Department of Housing and Urban Development (HUD) and auditors.

What about conflicts of interest?

No officer, employee or other public official of Catawba County, or entity contracting with Catawba County, who exercises any functions or responsibilities with respect to the CDBG program shall have any interest, direct or indirect, in any contract or subcontract for work to be performed with program funding, either for themselves or those with whom they have family or business ties, during their tenure or for one year thereafter. Relatives of Catawba County employees, and others closely identified with Catawba County, may be approved for rehabilitation assistance only upon public disclosure before the Catawba County CDBG Selection Committee and written permission from DCA.

What about favoritism?

All activities under the Program, including rating and ranking applications, inviting bids, selecting contractors and resolving complaints, will be conducted in a fair, open and non-discriminatory manner, entirely without regard to race, creed, sex, color or national origin.

The Assistance Policy is adopted this 16th day of December, 2002.

/s/ Katherine W. Barnes, Chair
Catawba County Commissioners

/s/ Thelda B. Rhoney
Clerk to the Commissioners

Chair Barnes opened the public hearing by saying this was the time and place as advertised for the public hearing and asked if anyone wished to speak either for or against.

There being no one wishing to speak, Chair Barnes closed the public hearing.

After a brief discussion, Commissioner Hunsucker made a motion to approve the CDBG 2003 Scattered Site Housing Grant Authorizing Resolution and Certification and Distribution Plan. The motion carried unanimously.

- b. Rezoning request of John F. Hicks to rezone a 4.96 acre tract from C-2 Commercial to R-3 Residential. This property is located in the Hickory Township at 3423 S NC 127 Hwy, Hickory.

Assistant Planner Richard B. Smith said the applicant is requesting to rezone a 4.96 acre tract from C-2 Commercial to R-3 Residential. The property is located in the Hickory Township at 3423 S NC 127 Highway in Hickory, NC near the intersection of NC Highway 127 and Old Farm Drive (State Road #1258). It is further identified as Parcel I.D. number 2791-18-20-7802.

The majority of the tracts near this parcel are zoned R2 and R3 Residential and are residentially developed. There is a tract located just to the east of this property that is zoned C-2 Commercial, which is a vacant tract of land. Other tracts located further northeast and southwest of this property along Highway 127 are zoned C-1 and C-2 Commercial, but the majority of the tracts located in this area are residentially zoned.

NC Highway 127 is designated as a Major Thoroughfare by the Hickory-Newton-Conover Urban Area Transportation Plan (September 2001). This major thoroughfare is a major north-south radial serving the Hickory-Brookford-Mountain View area. As a no-control of access route, NC 127 also serves a number of developments along its corridor ranging from major residential in Mountain View, Brookford, and northern Hickory to a mix of commercial and governmental offices in downtown Hickory. The Transportation Plan shows a count of 23,500 vehicles trips per day along this area of Highway 127. The Transportation Plan projects that the traffic on the Mountain View section of this road will be 25,000 trips per day. Based on this information, the Plan calls for the area of Highway 127 running south of the US 321 Freeway to be widened to a 4-lane divided boulevard with a grass median; however, this project is not included on the 2004-2010 Transportation Improvement Program (TIP).

VisionQuest 2010: Catawba County's Comprehensive Plan designates this area as a "Transition Area." Land in these areas is typically less than half developed. Water and sewer service and road improvements are either planned during the life of this Plan or one or more of these services already exist. Growth pressures in the Transition Areas are often preceding the extension of services. There is an existing public waterline fronting this property.

The following *Vision Quest 2010* Land Use & Development policies apply to this request:

Policy 1.9 Encourage development in Transition Areas. These areas are adequately served by public infrastructure and are currently surrounded by significant development. Typically, these areas lie within or close to existing municipalities or municipal service areas. This particular tract lies just under one-half mile to the west of property that is within the city limits of the City of Hickory.

Policy 1.12 Plan for growth in an orderly, compact fashion throughout the County that will minimize urban sprawl and "leap-frog" development.

Policy 1.15 Address compatibility between land uses when making land use decisions.

Policy 1.20 Encourage development at appropriate major intersections within the Developed, Transition and Limited Transition Areas (sometimes called "nodal development") and discourage land use changes that lead to "strip" development patterns with multiple driveways.

Policy 1.23 Provide for fair and equitable regulation and distribution of residential development of similar types and densities, especially concerning manufactured housing versus site-built housing and the location and minimum lot sizes for each.

The request is in line with the current County Comprehensive Plan.

The Catawba County Zoning Ordinance, Section 515.018 R-3 Residential District states: "The R-3 District is intended to accommodate a mix of residential uses, plus the necessary governmental and other support services required for sound development. The R-3 District may include bona fide farms." The R-3 district allows for single-family homes, modular homes and doublewide manufactured homes.

Based upon the statement of intent of the R-3 zoning district, location to existing residentially zoned properties, and the current Comprehensive Plan, staff recommended the rezoning of this property from C-2 Commercial to R-3 Residential. A recommendation for rezoning is based upon all potential uses in the R-3 Residential zoning district.

The Planning Board conducted a public hearing on this request on November 25, 2002. No one spoke in favor of or in opposition to the request. At the public hearing the Planning Board voted 6–2 in favor of the request to rezone the parcel from C-2 Commercial to R-3 Residential with a subsequent request to the Board of Commissioners for approval.

Chair Barnes opened the public hearing by saying this was the time and place as advertised for the public hearing and asked if anyone wished to speak either for or against.

There being no one wishing to speak, Chair Barnes closed the public hearing.

After a brief discussion Commissioner Hunsucker made a motion to approve the rezoning request of John F. Hicks to rezone a 4.96 acre tract from C-2 Commercial to R-3 Residential. The motion carried unanimously.

- c. Rezoning request of Graham Leroy Lail and Lynn M. Lail to rezone a 0.59 acre tract, a 0.79 acre tract and an approximately 4.00 acre portion of an existing 35.61 acre tract from R-2 Residential to C-2 Commercial. These properties are located in the Clines Township at 3879, 3889, and 3857 Springs Road, Conover.

County Attorney Robert Oren Eades reviewed the statutes and said Commissioner Lail would need to be excused from discussion and voting on the rezoning as Commissioner Lail was one of the property owners requesting rezoning.

Commissioner Barger made a motion to excuse Commissioner Lail from discussion and voting on the aforementioned rezoning. The motion carried unanimously.

Assistant Planner Richard B. Smith said the applicants were requesting to rezone a 0.59 acre tract, a 0.79 acre tract, and an approximately 4.00 acres portion of an existing 35.61 acre tract from R-2 Residential to C-2 Commercial.

The properties are adjacent to one another and are located in the Clines Township at 3879, 3889, and 3857 Springs Road (State Road #1453) in Conover, NC, west of the intersection of Springs Road and County Home Road (SR #1484). The properties are further identified as Parcel ID numbers 3734-13-12-2603, 3734-13-12-2682, and 3734-13-13-1923.

The tracts to the north and east of these properties are zoned R-2 Residential and are residentially developed. The tracts to the south and west are zoned C-2 Commercial and contain various commercial uses on them. This area accounts for a significant C-2 Commercial district established at the Springs Road and Sulphur Springs Road (SR #1529) intersection and the Springs Road and County Home Road intersection.

Springs Road is designated as a Major Thoroughfare by the Hickory-Newton-Conover Urban Area Transportation Plan (September 2001). This major thoroughfare functions as a radial serving the northeast portion of the Metropolitan Planning Organization (MPO) area. In addition to providing service for travel between NC Highway 16 and Hickory, Springs Road also serves the traffic that is generated from strip commercial and housing development along its corridor.

The Transportation Plan shows a count of 10,000 vehicles trips per day near the intersection of Springs Road and County Home Road. The Transportation Plan projects that the traffic on the 2-lane

section of this road, which runs from Charlotte Street (SR 1504) just in front of the subject parcels to Highway 16, will more than double, increasing to 22,000 trips per day. The Plan indicates that this level is far beyond the practical capacity limit of a 2-lane road. Based on this information, the Transportation Plan calls for this section of Springs Road to be widened to a 4-lane divided boulevard with a grass median; however, this project is not included on the 2004-2010 Transportation Improvement Program (TIP).

VisionQuest 2010: Catawba County's Comprehensive Plan designates this area as a "Transition Area". Land in these areas is typically less than half developed. Water and sewer service and road improvements are either planned during the life of this Plan or one or more of these services already exist. Growth pressures in the Transition Areas are often preceding the extension of services. There is an existing public waterline fronting these properties.

The following *Vision Quest 2010* Land Use & Development policies apply to this request:

Policy 1.9 Encourage development in Transition Areas. These areas are adequately served by public infrastructure and are currently surrounded by significant development. Typically, these areas lie within or close to existing municipalities or municipal service areas. These particular tracts lie just over one-half mile to the east of property that is within the city limits of the City of Hickory.

Policy 1.12 Plan for growth in an orderly, compact fashion throughout the County that will minimize urban sprawl and "leap-frog" development.

Policy 1.15 Address compatibility between land uses when making land use decisions.

Policy 1.20 Encourage development at appropriate major intersections within the Developed, Transition and Limited Transition Areas (sometimes called "nodal development") and discourage land use changes that lead to "strip" development patterns with multiple driveways.

Policy 1.32 Encourage retail and office uses to locate in designated areas well served by public infrastructure, especially adequate road capacity.

Policy 1.33 Encourage retail and office uses in areas located on an arterial, a major thoroughfare or major collector and in areas where turning movements are safe and interparcel access is available.

Policy 1.35 Community commercial development should be located at intersections (or interchanges) of existing major or minor arterials and thoroughfares and should be located close to other community facilities such as parks, recreation facilities, institutional uses and offices.

Policy 1.38 Identify specific "activity centers" at major intersections as the desired location for non-farm related commercial and industrial development.

Policy 1.39 Encourage retail and office uses to be designated so that they are compatible with surrounding development and separated from residential neighborhoods by the use of buffering or "step-downs" in use and intensity.

The request is in line with the current County Comprehensive Plan.

The Catawba County Zoning Ordinance, Section 515.021 C-2 Commercial District states: "The C-2 District is intended to provide land for the provision of convenience shops and specialty retail goods and business and personal services to the traveling public and the residents neighborhoods. The C-2 District shall be located with direct access to arterial and collector streets. Proposals for larger sites offering a greater amount of goods and services shall use the planned development approach."

Based upon the statement of intent of the C-2 zoning district, current public waterlines, location to existing commercially zoned properties, proximity to the intersection of Springs Road and County Home Road, and the current Comprehensive Plan, staff recommended the rezoning of this property from R-2 Residential to C-2 Commercial.

A recommendation for rezoning is based upon all potential uses in the C-2 Commercial zoning district.

The Planning Board conducted a public hearing on this request on November 25, 2002. Mr. Brad Lail, son of the applicants, was present for the public hearing and spoke in favor of this request. No one spoke in opposition to the request and as of December 6, 2002, staff had received no correspondence from the public regarding this request. At the public hearing the Planning Board voted unanimously in favor of the request to rezone the parcel from R-2 Residential to C-2 Commercial with a subsequent request to the Board of Commissioners for approval.

Chair Barnes opened the public hearing by saying this was the time and place as advertised for the public hearing and asked if anyone wished to speak either for or against.

There being no one wishing to speak, Chair Barnes closed the public hearing.

Commissioner Hunsucker made a motion to approve the aforementioned rezoning.

Voting Aye: Barnes, Hunsucker, and Barger.

Voting Noe: None.

Chair Barnes announced that the motion carried.

Commissioner Lail did not vote.

- d. A proposed amendment to Catawba County Code, Subdivision Ordinance Section 514.031 SUBDIVISION ROAD STANDARDS (A) Public roads to amend the Public Roads section to include the statement: "All publicly dedicated roads may not be withdrawn from public dedication without prior review and approval from the Catawba County Subdivision Review Board."

Planning Director Jacky M. Eubanks said the General Statutes do not grant North Carolina counties the authority to maintain public roads. The Subdivision Ordinance requires all roads that are not designated as neighborhood private roads to be publicly dedicated.

When subdivisions are recorded and the roads are constructed to meet the North Carolina Department of Transportation's (NCDOT) minimum subdivision roads standards, there is a lapse of time before NCDOT takes over the newly created public road. NCDOT requires a petition and a minimum density of four households fronting on a public road before they will consider adding it to their system. Until NCDOT takes over the maintenance of these roads, the developer or homeowners' association privately maintains them and this is indicated on the final plat.

The County has had a few incidences where the road's maintenance has not yet been taken over by NCDOT and the homeowners' association or developer wishes to close a portion of or the entire publicly dedicated road. Since NCDOT has not taken over the road, and the County does not have the authority to maintain the road, the consensus has been that this is a private matter and the Board of Commissioners does not take action regarding such matters.

Mr. Eubanks said in order to avoid confusion and lack of public awareness involving these matters in the future, staff recommended that the involvement of the Subdivision Review Board (SRB) with these types of removal of the offer to dedicate requests. With a board process and a statement on the plat indicating that roads that have not been taken over by NCDOT that are proposed to be closed must be reviewed by the County, we believe that a necessary check and balance will be in place to assure a review and public notice of such matters.

Staff recommended an amendment to the County Code of Ordinances (1) Section 514.031 (A) of the Subdivision Ordinance and the same amendment to the Manual of Practice.

"(A) *Public Roads.* All subdivision lots shall abut on a public road except as provided in division (B) of this section, private roads. All public roads shall be dedicated to the public, designed, and paved within the subdivision and to a state-maintained road. The subdivision roads shall be designed and built according to the standards in the NCDOT's "Subdivision Roads, Minimum Construction Standards." These roads shall be maintained by the developer/owners until the NCDOT assumes responsibility for the maintenance. Roads which are not eligible to be put on the NCDOT system because there are too few residences shall

nevertheless be dedicated for public use and shall be built in accordance with NCDOT standards. **All publicly dedicated roads may not be withdrawn from public dedication without prior review and approval from the Catawba County Subdivision Review Board.**"

(2) The Manual of Practice would also be amended to reflect this change in the Public Plat Declaration statement. We recommend that future subdivision plats with publicly dedicated roads include this verbiage in the Public Plat Declaration statement so that it reads (changes noted in bold):

All roads in this subdivision are hereby declared public. The maintenance of all streets and roads in this subdivision shall be the responsibility of _____ and it shall be their responsibility to bring such streets up to the standards of the North Carolina Department of Transportation before any streets on this plat are added into the North Carolina State Highway System. **All publicly dedicated roads may not be withdrawn from public dedication without prior review and approval from the Catawba County Subdivision Review Board.**

Mr. Eubanks said by implementing these changes, the County would be putting the public on notice that they would need to come before the SRB if they wanted to close a publicly dedicated road. The SRB would hold a public meeting to consider such a request. Relevant information would be supplied to the board and they could then vote on whether or not it would be appropriate to change a previously approved condition. Any party not agreeing with the SRB's decision would arguably have the right to appeal the matter to Superior Court.

The SRB reviewed this matter at its October 29, 2002 meeting. The SRB unanimously recommended the amendment. The SRB recommended an additional requirement that calls for the petitioner to provide a petition including signatures from all (100%) affected property owners in order for such a request to be heard by the SRB. This requirement is identical to the one imposed by NCDOT when a request is submitted to them for closure of a State road/right-of-way. Staff supports the addition of this requirement or condition as part of this proposed amendment.

The Planning Board held a public hearing on this matter at their November 25, 2002 meeting. No one spoke in favor of or in opposition to this amendment. The Planning Board made a unanimous recommendation for approval of this request with a subsequent request to the Board of Commissioners for approval.

Mr. Eubanks said 12 of the 22 past requests were submitted by NCDOT.

County Attorney Eades said as the amendment is written it refers to publicly dedicated roads and a road is not publicly dedicated until it is accepted. He said after an Offer of Dedication is made it must then be acted upon by some entity to accept the offer. He recommended the following revised amendment: **"Where a road has been offered for public dedication, that offer may not be withdrawn without prior review and approval from the Catawba County Subdivision Review Board."**

Ordinance No. 2002-13

Be it hereby ordained that Section 514.031 (A) of the Catawba County Code is hereby amended to read as follows:

(A) *Public Roads.* All subdivision lots shall abut on a public road except as maintained road. The subdivision roads shall be designed and built according to the standards in the NCDOT's "Subdivision Roads, Minimum Construction Standards." These roads shall be maintained by the developer/owners until the NCDOT assumes responsibility for the maintenance. Roads which are not eligible to be put on the NCDOT system because there are too few residences shall nevertheless be dedicated for public use and shall be built in accordance with NCDOT standards. Where a road has been offered for public dedication, that offer may not be withdrawn without prior review and approval from the Catawba County Subdivision Review Board.

The Manual of Practice is also amended to reflect this change in the Public Plat Declaration statement. Future subdivision plats with publicly dedicated roads shall include this verbiage in the Public Plat Declaration statement so that it reads, Where a road has been offered for public dedication, that offer

may not be withdrawn without prior review and approval from the Catawba County Subdivision Review Board.

This 16th day of December, 2002.

/s/ Katherine W. Barnes, Chair
Catawba County Board of Commissioners

Chair Barnes opened the public hearing by saying this was the time and place as advertised for the public hearing and asked if anyone wished to speak either for or against the addition of the following verbiage to the County Code and Manual of Practice: "Where a road has been offered for public dedication, that offer may not be withdrawn without prior review and approval from the Catawba County Subdivision Review Board."

There being no one wishing to speak, Chair Barnes closed the public hearing.

County Manager J. Thomas Lundy said this will apply to any subdivisions approved by the Subdivision Review Board from this point forward and an existing subdivision could be changed but the Commissioners would not have the right to comment on it.

County Attorney Robert Oren Eades said that the affected property owner is also going to include folks in adjacent subdivisions where those subdivisions have connected onto an approved subdivision particularly if they have done so under our zoning ordinances that encourage interconnectivity, it could be a very broad universe of people who would have to approve.

After a brief discussion, Commissioner Barger made a motion to approve the aforementioned Ordinance amending Section 514.031 (A) of the County Code, and amending The Manual of Practice by adding "Where a road has been offered for public dedication, that offer may not be withdrawn without prior review and approval from the Catawba County Subdivision Review Board," and also approve a requirement that calls for the petitioner to provide a petition including signatures from all (100 percent) affected property owners in order for such a request to be heard by the SRB. The motion carried unanimously.

6. Appointments:

Chair Barnes said that Commissioner Beatty was absent but wished to appoint Mr. Jeff Murray, 3929 East US Hwy 70, Claremont to the Catawba Small Area Planning Committee.

Chair Barnes made a motion to approve the aforementioned appointment. The motion carried unanimously.

7. Departmental Reports:

a. Utilities and Engineering:

1. Advent Crossroads Water Project Budget Ordinance, Agreement with Western Piedmont Council of Governments, and Revenue Sharing Agreement with the City of Hickory. (Agreement with Western Piedmont Council of Governments for the Provision of Grant Management Assistance and Agreement with City of Hickory for Revenue Sharing on Advents Crossroads Water CDBG Project are on file in the Office of Utilities and Engineering Director.)

Utilities & Engineering Director Barry B. Edwards said the County applied for and has received a Community Development Block Grant (CDBG) to address the water needs of the residents in and around the Advent Crossroads area. The project identified water service to the Advent Crossroads community which will provide much needed municipal water service to an area that is affected not only by a receding water table and commonly found high iron levels in the ground water but also ground water contamination from petroleum sources. This project is estimated to cost \$1,126,276 and will provide water service to 51 homes benefiting primarily (91%) low-to-moderate income persons.

This project will consist of approximately 18,800 linear feet of 12-inch and 8-inch diameter waterline, with associated appurtenances, along sections of Old Shelby Road, Henry River Road, George Hildebran Road, Advent Road and Bakers Mountain Road. This project will

also include a constructed in place pump station along Old Shelby Road, and a 100,000-gallon ground storage tank to be located on property owned by Catawba County on Bakers Mountain Road.

The County will commit a total of \$276,276 to this project, which consists of \$75,276 in City of Hickory waived tap fees, \$51,000 in waived County capital fees, and \$150,000 toward the waterline construction for the project.

A budget ordinance is required for all Community Development Block Grant projects in order to receive grant reimbursements as well as, adoption of the Plans, Policies, and Procedures. A standard format Revenue Sharing Contract with the City of Hickory to share one-half of the revenues for a period of 40 years is also part of this project.

The Policy and Public Works Subcommittee recommended that the Board of Commissioners approve the following: (a) budget ordinance to accept an \$850,000 Community Development Block Grant (CDBG) for the Advent Crossroads Water Project, the adoption of Plans, Policies, and Procedures; (b) agreement with the Western Piedmont Council of Governments for grant administration; and (c) Revenue Sharing Agreement with the City of Hickory.

Appropriations

Revenues:	
415-431100-695230	\$276,276
From Water & Sewer Reserve Fund	
415-431100-627000	\$850,000
CDBG Grant Funds	
230-170020-690100	\$1,126,276
Fund Balance Applied	
Expenditures:	
415-431100-861500-21018	\$957,776
CDBG Advent Crossroads-Construction	
415-431100-849114-21018	\$95,000
CDBG Advent Crossroads-Engineering	
415-431100-849117-21018	\$73,500
CDBG Advent Crossroads-Administration/Planning	
230-170020-995415	\$1,126,276
To Water & Sewer Construction	

Mr. Edwards said an Assessment Policy is not required for this project. Staff checked with the Division of Community Assistance and it was required for all other projects but dropped for this project. Therefore, any connections now and thereafter the project regardless of low, medium, or high income or business will pay the standard rates as set by the Commissioners and the City of Hickory.

CATAWBA COUNTY
CDBG ADVENTS CROSSROADS WATER PROJECT
POLICIES AND PROCEDURES
2002
ADOPTED: December 16, 2002

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RESOLUTION NO. 2002-34

**CATAWBA COUNTY
POLICIES AND GUIDELINES FOR THE
COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM**

WHEREAS, Catawba County has been awarded a Community Revitalization Grant Award for \$850,000; and

WHEREAS, Catawba County desires to adopt Community Development Program Policies and Guidelines; and

WHEREAS, the Community Development Office has created Community Development Program Policies and Guidelines;

NOW, THEREFORE, BE IT RESOLVED, Catawba County hereby adopts Community Development Program Policies and Guidelines as herein contained.

Adopted this the 16th day of December, 2002.

/s/ Katherine E. Barnes, Chair, Catawba County Commissioners

Attest:

/s/ Thelda B. Rhoney, Clerk to the Board

INTRODUCTION

Catawba County has received a Small Cities Community Development Block Grant from the North Carolina Department of Commerce in the amount of \$850,000. The purpose of the grant will be to provide public water to fifty-one (51) homes located along portions of Old Shelby Road, Baker's Mountain Road, portions of Advent's Crossroads, portions of George Hildebran Road, and a portion of Henry River Road. The majority of the households in this area are low to moderate income and the area has been plagued by serious water problems for years. Due to the small size of the existing residential lots, coupled with poor soil conditions and seasonally high water tables, the area has encountered situations where failing wells cannot be repaired adequately. The only way to eliminate this severe problem is to provide the Advents Crossroads community with municipal water.

Catawba County is committed to providing a safe and decent place for its residents to live. The County continues to seek ways to better the love of its citizens. The Advents Crossroads Water Project will further the County's goal of eliminating severe well system problems within the County.

**GOALS AND OBJECTIVES
WATER ACTIVITIES**

- A. To provide adequate public water to the residents of the project area.
- B. To eliminate poor well systems.
- C. To eliminate a dangerous and severe well problem.

- D. To assist in the future growth of the Catawba County by providing the County with additional water services, which increases the quality of living for those in the project area, and provides for potential economic and residential growth.
- E. Catawba County plans to achieve these goals through the expenditure of Community Development Block Grant and local funds.

IMPLEMENTATION OF WATER ACTIVITIES

Construction proposals will be reviewed and evaluated by the County, Community Development Office, and the Engineer.

Recommendation for contract awards will be submitted to the County Manager and Board of Commissioners for their approval.

SELECTION OF ENGINEERING

One requirement of the program is to request proposals for engineering services for which grant funds will be involved. If CDBG funds are utilized for engineering services, the County will advertise for and mail requests for proposals to qualified engineering firms. The County will choose a firm based on professional, personnel, experience, unit price and availability.

IMPLEMENTATION OF COMMUNITY DEVELOPMENT WATER PROJECT

- 1. All identified residents and property owners will be contacted by the Community Development Office (CDO) with a letter to inform them of the project. A public meeting will be held to discuss details of the program.
- 2. If the owner is interested in participating in the project, the owner must first complete a formal application requesting assistance. The CDO will then initiate the following:
 - A. Occupant information (owner or renter)
 - B. Employment and income information
- 3. All identified residents and property owners will be made aware of the benefits available from the project:
 - A. Qualified owners will receive a free tap and connection to the water service.
 - B. If the project is over budget, over income owners may be required to pay the tap and connection fee.

Income Table

Number in Family	Over Income
1	28,850+
2	32,950+
3	37,100+
4	41,200+
5	44,500+
6	47,800+
7	51,100+
8	54,400+

- 4. All required information from each unit should be received by the CDO before any taps or connections are made.
- 5. The CDO should be made aware of any problems that might arise during the implementation of the project.
- 6. Formal grievances should be made in the form of a letter addressed to the CDO of Catawba County.
- 7. Formal grievances will be addressed by the County Manager, and CDO.

8. If excess funds are available, the County will determine how they will be utilized and request that the State amend the project area.

PROCUREMENT POLICY

It is the intent and desire of Catawba County to implement the following policies when procuring services for the Catawba County Adverts Crossroads Water Project:

1. To promote to the maximum extent possible, free, and open competition;
2. To insure that Catawba County is receiving the best product or service at the most effective cost;
3. To provide written guidelines in accordance to Administrative Requirements for Grants and Cooperative Agreements to State, Local and Federally Recognized Indian Tribal Governments (24 CFR 85); and
4. To promote the maximum use of minority and female-owned businesses.

PROCUREMENT PLAN CATAWBA COUNTY

This procurement plan consist of three different types of procurement methods.

1. Small Purchase Procurement
2. Sealed Bid Procurement
3. Competitive Negotiation

SMALL PURCHASE

Small purchase procedures are those relatively simple and informal for securing services, supplies, or other property that do not cost more than \$ 25,000 in the aggregate. When using the small purchase procurement method, price or rate quotations will be obtained from an adequate number of qualified sources, preferably three (3). A record of the verbal quotations will be retained for audit purposes. The documented record will list the date, the firm or person contacted, and the amount of the quote given.

SEALED BIDS

Procurement through sealed bids is the preferred method for procuring contracts for public facility activities and housing rehabilitation. Bids are publicly solicited and a firm-fixed price contract (lump sum or unit price) is awarded to the responsible bidder whose bid, conforming with all material terms and conditions of the invitation for bids, is the lowest in price. There must be two or more responsible bidders willing and able to compete effectively for the job. The invitation for bids will be publicly advertised and all bids will be publicly opened at the time and place prescribed in the invitation for bids. A firm fixed price contract award will be made in writing to the lowest responsive and responsible bidder and a formal contract containing the contract terms and regulations will be signed. Any or all bids may be rejected if there is a sound documented reason.

COMPETITIVE NEGOTIATION

Securing service by competitive negotiation is a technique used when more than one source submits a proposal for an offer. Request for proposals (RFP) will be publicized. The publication will identify in general terms the contractual terms and conditions, including the necessary qualifications required of the contractor. Upon publication of the RFP in a newspaper of general circulation, a minimum of seven (7) days must be allowed prior to the due date of the proposals.

Proposals will be solicited from an adequate number, three (3), of qualified sources to insure reasonable competition. All proposals received will be technically evaluated. Evaluation factors should include at a minimum but is not limited to: past performance, integrity, cost reasonableness, etc. Awards will be made to the responsible firm(s) whose proposal is most advantageous to the program and whose price is the most cost effective.

CATAWBA COUNTY ACQUISITION, RELOCATION AND DEMOLITION POLICY STATEMENT

ACQUISITION

Acquisition of any real property will comply with the Uniform Relocation Act.

OPTIONAL COVERAGE RELOCATION PLAN

CATAWBA COUNTY

I. Purpose

The purpose of this optional coverage relocation assistance plan is to provide relocation assistance and payments to individuals and families permanently displaced as a result of actions pursuant to CDBG Number 02-C-1025 that are not otherwise covered by the Uniform Relocation Assistance and Real Property Acquisition Policies Act (P.L. 91-646), hereinafter referred to as the Uniform Act.

II. Eligibility

All persons permanently displaced under CDBG Number 02-C-1025 and not subject to the Uniform Act are eligible for relocation benefits under this plan. A permanently displaced person means any person who moves from the real property or existing dwelling or moves his or her personal property from the real property, as a result of either locally funded code enforcement, acceptance of voluntary demolition, or act of God.

III. Assistance to be Provided

Levels and amounts of CDBG assistance to eligible individuals and families are the levels and amounts of assistance set forth by the Uniform Act Regulations in 49 CFR Part 24 Subpart C, D, E and F. All CDBG payments under this plan must result in long term, decent, safe and sanitary housing conditions. In addition, benefits provided under this plan shall include a general information notice, a notice of eligibility, the provision of information on the availability of comparable replacement dwellings, referrals to comparable replacement dwellings, appropriate relocation advisory assistance and the inspection of replacement dwellings to ensure that they are decent, safe and sanitary.

A. Rental Assistance. Eligible tenants or homeowners may receive an amount not to exceed \$5,250 for rental assistance as computed in accordance with 49 CFR 24.402. All non-CDBG long term housing assistance must be subtracted from this figure to yield the amount of CDBG rental assistance.

B. Down Payment Assistance. Eligible tenants may receive an amount not to exceed \$5,250 for down payment assistance as computed in accordance with 49 CFR 24.402. All non-CDBG long term housing assistance must be subtracted from this figure to yield the amount of CDBG down payment assistance.

C. Homeowner Replacement Housing Payment. Eligible homeowners may receive a replacement housing payment, as computed in accordance with 49 CFR 24.401, 24.402, 24.403 and 24.404 and equal to the amount by which the cost of a comparable replacement dwelling, together with increased interest costs and incidental expenses authorized by the Uniform Act, exceeds the amount of all non-CDBG long term housing assistance.

Moving Expenses. An eligible individual or family may receive moving and related expenses in accordance with 49 CFR Part 24.301 or 24.302.

IV. Affirmative Action for Low Income Minority Persons

All relocation assistance provided under this plan will be undertaken in a manner which is in substantial compliance with the requirements of 49 CFR 24.205. Any low income or minority individual or family assistance under this plan shall not be required to move to an area of low income and/or minority concentration as a condition of receiving relocation assistance, unless they have been given opportunities to relocate to a comparable replacement dwelling that is not located in an area of low income and/or minority concentration, if such opportunities are available.

V. Relocation Record keeping

Complete records, documentation and justification of payments made pursuant to this plan shall be maintained in accordance with relocation record keeping requirements at 49 CFR 24.9.

VI. Catawba County Community Development Office shall promptly review appeals in accordance with 49 CFR Part 24 Uniform Relocation Assistance and Real Property Acquisition Regulations for Federal and Federally Assisted Programs, Subpart A, 24.10 Appeals.

Appeals can be received no more than 60 days after the person receives written notification of the CDO's determination of a person's claim.

The foregoing document has been duly adopted by resolution,

This the 16th day of December, 2002, and a copy thereof placed on file in the office of J. Thomas Lundy, County Manager of Catawba County.

/s/ Katherine E. Barnes, Chair, Catawba County Commissioners

Attest:

/s/ Thelda B. Rhoney, Clerk to the Board

DEMOLITION

The County agrees that any vacant dilapidated housing will be cleared away at the homeowner's request provided a release form is signed. The CDO agrees to clear and do what landscaping is deemed necessary to make the property a useable piece of land. The land will remain the property of the homeowner. Each case will be evaluated individually as to the most economical way to clear the land. The CDO will make the final decision. CDBG money will be responsible for 100% of the cost for this procedure.

RESIDENTIAL ANTI-DISPLACEMENT AND RELOCATION ASSISTANCE PLAN

In order to comply with the requirements of Section 104(d) of the Housing and Community Development Act of 1974, Catawba County adopts the following plan:

Catawba County will replace all occupied and vacant occupiable low and moderate-income dwelling units demolished or converted to a use other than as low/moderate-income housing as a direct result of activities assisted with funds provided under the Housing and Community Development Act of 1974, as amended, as described in 24 CFR 570.606 (b) (1).

All replacement housing will be provided within three years of the commencement of the demolition or rehabilitation relating to conversion. Before obligating or expending funds that will directly result in such demolition or conversion, Catawba County will make public and submit to the Division of Community Assistance the following information in writing:

1. A description of the proposed assisted activity;
2. A general location map and approximate number of dwelling units by size (number of bedrooms) that will be demolished or converted to a use other than as low/moderate-income dwelling units as a direct result of the assisted activity;
3. A time schedule for the commencement and completion of the demolition or conversion;
4. The general location on a map and approximate number of dwelling units by size (number of bedrooms) that will be provided as replacement dwelling units;
5. The source of funding and a time schedule for the provision of replacement dwelling units; and;
6. The basis for concluding that each replacement unit will remain a low/moderate -income dwelling unit for at least 10 years from the date of initial occupancy.

The County will provide relocation assistance, as described in 570.606 (b) (2), to each low/moderate-income household displaced by the demolition of housing or by the conversion of a low/moderate-income dwelling to another use as a direct result of assisted activities

/s/ Katherine E. Barnes, Chair, Catawba County Commissioners

Date: December 16, 2002.

SECTION 519 CERTIFICATION

Catawba County will prohibit the use of excessive force by law enforcement agencies within its jurisdiction against any individuals engaged in non-violent civil rights demonstrations. Also, that Catawba County will enforce applicable state and local laws against physically barring entrance to or exit from a facility or location which is the subject of such non-violent civil rights demonstration within its jurisdiction in accordance with Section 519 of Public Law 101-144, (the 1990 HUD Appropriation Act).

Adopted this the 16th day of December, 2002.

/s/ Katherine E. Barnes, Chair, Catawba County Commissioners

Attest:

/s/ Thelda B. Rhoney, Clerk to the Board

RESOLUTION NO. 2002-35
RESOLUTION ADOPTING CODE OF CONDUCT RELATIVE TO COMMUNITY
DEVELOPMENT PROGRAM PROCUREMENT PROCEDURES

WHEREAS, HUD Regulation 24 CFR 85.36 Procurement, requires that all Grantees maintain a written Code or Standard of Conduct which shall govern the performance of their officers, employees or agents engaged in the award and administration of contracts supported by Federal Funds,

THEREFORE BE IT RESOLVED that the Board of Commissioners for the Catawba County, acting in regular session adopts the following Code of Conduct relative to Community Development Program Procurement Procedures in compliance with HUD regulation 24 CFR 85.36, Procurement:

"No employee, officer, or agent of Catawba County, who is engaged in the award and administration of contracts for the procurement of supplies, equipment, construction or services supported by federal funds shall participate in the selection, award or administration of such contracts if a conflict of interest, real or apparent, would be involved.

Such a conflict would arise when the employee, officer or agent, any member of his immediate family, his or her partner or an organization which employs, or is about to employ any of the above, has a financial or other interest in the firm selected for award.

No officer, employee or agent of Catawba County, who is engaged in the administration of contracts supported by federal funds shall accept any gift, whether in the form of service, loan, thing or promise, from any person, firm or corporation which to his knowledge is interested directly or indirectly in any manner whatsoever in business dealing with the city, nor shall any employee accept from any person any gift, favor or thing which may tend to influence him in the discharge of his duties, or grant in the discharge of his duties any improper favor, service or thing."

/s/ Katherine E. Barnes, Chair, Catawba County Commissioners

Attest:

/s/ Thelda B. Rhoney, Clerk to the Board

Date: December 16, 2002.

CATAWBA COUNTY
504 GRIEVANCE PROCEDURE

Complaints should be addressed to: J. Thomas Lundy, Coordinator

1. A complaints should be filed in writing or verbally, contain the name and address of the person filing it, and briefly describe the alleged violation of the regulations.
2. A complaint should be filed within 5 working days after the complainant becomes aware of the alleged violation.
3. An investigation, as may be appropriate, shall follow a filing of complaint. The investigation shall be conducted by the Coordinator and 3 or more of the committee members. These rules contemplate informal by thorough investigation, affording all interested persons and their representatives, if any, an opportunity to submit evidence to a complaint.
4. A written determination as to the validity of the complaint and a description of the resolution, if any, shall be issued by the Coordinator and 3 or more of the committee members and a copy forwarded to the complainant no later than 6 weeks after its filing.
5. The Coordinator shall maintain the files and records of Catawba County relating to the complaints filed.

6. The complainant can request a reconsideration of the case in the instances where he or she is dissatisfied with the resolution. The request for consideration shall be made within 30 days of receiving results of grievance.
7. The right of a person to a prompt and equitable resolution of the complaint filed hereunder shall not be impaired by the person's pursuit of other remedies such as filing of a complaint with the responsible federal or state department or agency. Use of this grievance procedure is not a prerequisite to the pursuit of other remedies.
8. These rules shall be construed to protect the substantive rights of interested persons to meet appropriate due process standards and to assure that Catawba County complies with implementing regulations.

CITIZENS PARTICIPATION PROCEDURE FOR COMPLAINTS

Catawba County has developed a procedure to process complaints which may be received involving the Community Development Block Grant or any HUD-funded Program. There are two basic forms of complaints: 1) verbal complaints which will be dealt with on an informal basis by the Community Development Office (CDO) and 2) written complaints which will be dealt with formally with a set process including appeals.

All written complaints received by Congressional staff, local elected officials, the County Manager, and the CDO will be logged in as received by the CDO. Within a ten (10) day period following the receipt of this complaint, a response will be developed by the CDO, reviewed by the County Manager, and mailed to the party who wrote the complaint. This response will include proper documentation and background of the case in question, the proposed action, and the time frame in which the complaint will be addressed.

In the event this response is not satisfactory to the person making the complaint, that party will be referred to the Citizen Advisory, and a hearing will be held by the Citizens Advisory Committee and CDO to discuss the case. Minutes of these hearings will be held on file, and a written response by the Committee will be made to the complainant. The second case for the appeal process will be a hearing held by the Board of Commissioners whereby the same procedure will be followed including a written response.

The final appeal can be made to the Division of Community Assistance or other agency which provides the funds. At this point, all parties will be present at a hearing at the County Manager Office which will be presided over by a Community Development staff member. The written recommendation made by the State staff will be final in all cases.

It is the responsibility of the person making the complaint to furnish documents, provide documentation to support allegations, provide their own counsel, inform in writing to the CDO if they are represented by a third party, and attend meetings involving a review of their complaint if they are requested to do so.

/s/ Katherine E. Barnes, Chair, Catawba County Commissioners

Date: December 16, 2002

CATAWBA COUNTY CITIZENS PARTICIPATION PLAN

Catawba County provides for and encourages citizen participation, with particular emphasis on participation by persons of low and moderate income who are residents of low and moderate income neighborhoods and/or slum and blight areas. Catawba County provides citizens with reasonable and timely access to local information and records relating to the grantee's proposed use of funds. This is done through Board of Commissioners meetings which are advertised in the local newspaper, *The Hickory Daily Record*.

Catawba County Community Development Office provides technical assistance to groups representative of persons of low and moderate income that request such assistance. This assistance includes speaking at community meetings to inform persons of available grants. The Community Development Office works closely with Farmer's Home Administration, Blue Ridge Community Action, the HOME Program, and Energy Conservation Fund grants. The County provides information and applications to local citizens interested in these programs.

Catawba County provides for public hearings to obtain citizens' views and to respond to proposals and questions at all stages of the community development program, including the application, the amendment, and close-out. Adequate

notice is given for these meetings at times and locations convenient to potential or actual beneficiaries, and with accommodation for the handicapped. Any published advertisement issued by the Catawba County Community Development Office has the HUD and EEO logos included.

Catawba County provides for timely written answers to written complaints and grievance. A response will be made within 10 calendar days. (See Complaint Procedure.)

Catawba County will provide a translator for non-English speaking residents in the case of public hearings when the County is notified that any non-English speaking resident will attend the public hearing. An interpreter will be provided for hearing impaired residents.

/s/ Katherine E. Barnes, Chair, Catawba County Commissioners

Date: December 16, 2002.

Drug-Free Workplace Policy

In accordance with the requirements of the Drug-Free Workplace Act of 1988, the following policy relating to all staff and the premises of Catawba County is established:

Catawba County has a legitimate interest in providing a drug-free and alcohol-free work environment. Substance abuse by employees of Catawba County on the job could interfere with the organizational performance and jeopardize the safety and welfare of other employees, as well as that of the public.

In order to confirm instances of substance abuse by employees, Catawba County may demand a specimen of urine and/or breath and/or blood from an employee on the basis of reasonable suspicion of such abuse. Reasonable suspicion is defined as a belief, based on objective facts and/or a report observation, that an employee has taken drugs while on the job or recently before the start of work, or whose work appears to be impaired as from the influence of drugs.

Breath analysis shall be performed by the NC Highway Patrol at the employer's expense. Urine and/or blood specimens shall be collected by an authorized health care professional and be analyzed at a laboratory designated by Catawba County, at the employer's expense. The specimen will be tested for, but not limited to, amphetamines, barbiturates, benzodazepines, cannabinoids, cocaine, methaqualone, opiates, phencyclidine, or any drugs or controlled substances which are not prescribed by a licensed medical doctor, or prescription drugs used in a manner not consistent with recognized medical procedures.

Custody and security of specimen samples will be thoroughly documented by Catawba County and the independent testing laboratory.

Refusal to submit a specimen sample that is required within the parameters of this policy may subject the employee to disciplinary action.

In addition, the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance is prohibited in Catawba County workplace. Any employee found in violation of this policy will be subject to action authorized by the existing State and Federal Statutes relating to this criminal offense. Further, as a condition of employment and/or continued employment, such employee will:

1. Notify the employer of any criminal drug statute conviction for a violation occurring in the workplace no later than five (5) days after such conviction.
2. As deemed appropriate by the Chairman, an employee found to be in violation of this policy may be required to seek appropriate, prescribed professional services at the employee's expense.

Adopted this 16th day of December, 2002 .

/s/ Katherine E. Barnes, Chair, Catawba County Commissioners

Attest:

/s/ Thelda B. Rhoney, Clerk to the Board

EQUAL EMPLOYMENT OPPORTUNITY/AFFIRMATIVE ACTION POLICY STATEMENT

maintains the policy of providing equal employment opportunities for all persons regardless of race, color, religion, sex, national origin, handicap, age, political affiliation, or other non-merit factor, except where religion, sex, national origin, or age are bona fide occupation qualifications for employment.

In furtherance of this policy the County prohibits any retaliatory action of any kind taken by an employee of the County against any other employee or applicant of employment because that person made a charge, testified, assisted or participated in any manner in a hearing, proceeding or investigation of employment discrimination.

The County shall strive for greater utilization of all persons by identifying previously underutilized groups in the work force, such as minorities, women, and the handicapped, and making special efforts toward their recruitment, selection, development, and upward mobility and any other term, condition, or privilege of employment.

Responsibility for implementing equal opportunities and Affirmative Action measures is hereby assigned to the County Manager and/or other persons designated by the Board of Commissioners to assist in the implementation of this policy statement.

The County shall develop a self-evaluation mechanism to provide for periodic examination and evaluation. Periodic reports as requested on the progress of Equal Employment Opportunity and Affirmative Action will be presented to the Board of Commissioners by the County Manager.

The County is committed to this policy and is aware that with its implementation, the County will receive positive benefits through the utilization and development of all its human resources.

Adopted this 16th day of December, 2002.

/s/ Katherine E. Barnes, Chair, Catawba County Commissioners

Attest:

/s/ Thelda B. Rhoney, Clerk to the Board

SECTION 3 - LOCAL ECONOMIC BENEFIT FOR LOW AND VERY LOW INCOME PERSONS PLAN 2002 CDBG PROGRAM

To insure that to the greatest extent possible contracts for work are awarded to business concerns located in or owned in substantial part by persons residing in the Section 3 covered area, as required by Section 3 of the Housing and Urban Development Act of 1968, Catawba County has developed and hereby adopts the following plan:

1. This Section 3 Plan shall apply to services that are needed in connection with the grant including, but not limited to, businesses in the fields of planning, consulting, design, building construction/renovation, maintenance and repair, etc.
2. This Section 3 Plan for this project area shall include Catawba County.
3. When in need of a service, the County will identify suppliers, contractors or subcontractors located in Section 3 area. Resources for this identification shall include the Minority Business Directory published through the State Department of Commerce, local directories and the Small Business Administration local offices. Word of mouth recommendations shall also be used as a source.
4. The County will include this Section 3 clause in all contracts executed under this CDBG Program. Where deemed necessary, listing from any agency noted in No. 3 above shall be included as well as sources of subcontracts and suppliers.
5. The prime contractor selected for major public facility or building construction work will be required to submit a Section 3 Plan which will outline his/her work needs in connection with the project. Should a need exist to hire any additional personnel, the Catawba County Employment Security Commission shall be notified and referred to the contractor.
6. Each contractor for housing rehabilitation under the program, as applicable, for jobs having contracts in excess of \$ 100,000 shall be required to submit a Section 3 Plan. This Plan will be maintained on file in the grant office and shall be updated from time to time or as the grant staff deem necessary.

7. Early in the project the County will advertise in a local paper a listing of jobs, supplies and contracts likely to be utilized during the project. We will then advertise in our local newspaper an ad prominently located as a display ad the pertinent information regarding the project including all Section 3 required information.

This Plan adopted this 16th day of December, 2002.

/s/ Katherine E. Barnes, Chair, Catawba County Commissioners

Attest:

/s/ Thelda B. Rhoney, Clerk to the Board

CATAWBA COUNTY
FAIR HOUSING PLAN

Under the 1983 Amendment to the Housing and Community Development Act, recipients of Community Development Block Grant (CDBG) and HOME funds must implement activities to affirmatively further fair housing. Catawba County will undertake a number of activities and thereby comply with Title VIII, Civil Rights Act of 1968 to affirmatively further fair housing in a manner described in Catawba County's Plan to Affirmatively Further Fair Housing.

The North Carolina Department of Commerce also requires municipalities that operate CDBG and HOME projects to implement a method of receiving and resolving complaints as a result of violations of Title VIII.

By publishing a notice, Catawba County clearly informs the citizens that the Community Development Office will both receive and work to resolve complaints that arise as a result of Title VIII violations. Furthermore, this effort will extend to all persons, agencies or businesses in the County.

All interested persons, agencies or businesses may receive additional information concerning the legal authority for federal fair housing activity which includes Title VI-the Civil Rights Act of 1964, Title VIII- the Civil Rights Act of 1968, Age Discrimination Act of 1975, Section 504 of the Rehabilitation Act of 1973, and the North Carolina State Fair Housing Law-Chapter 41A by contacting Catawba County Community Development Office.

CATAWBA COUNTY
FAIR HOUSING NOTICE

Under the 1983 Amendment to the Housing and Community Development Act, recipients of Community Development Block Grant (CDBG) funds must implement activities to affirmatively further fair housing. Catawba County will undertake a number of activities and thereby comply with Title VIII, Civil Rights Act of 1968, to affirmatively further fair housing in a manner described in Catawba County's Plan.

The N.C. Department of Commerce also requires municipalities and counties that operate CDBG projects to implement a method of receiving and resolving complaints as a result of violations of Title VIII.

By publishing this notice, Catawba County informs its citizens that Catawba County Community Development Office will both receive and work to resolve complaints that arise as a result of Title VIII violations. Furthermore, this effort will extend to all persons, agencies, or businesses in Catawba County. All persons with complaints should contact the County Manager.

All interested persons, agencies, or businesses may receive additional information concerning the legal authority for fair housing which includes Title VI-the Civil Rights Act of 1964, Title VIII-the Civil Rights Act of 1968, Age Discrimination Act of 1975, Section 504 of the Rehabilitation Act of 1973, and the North Carolina State Fair Housing Law-Chapter 41A by contacting the Catawba County Community Development Office at (828)465-8261/(828)322-9191#249, or (TDD number 1-800-735-2962).

Publish One Time On Fair Housing Logos
Affidavit Required

Bill To: Catawba County Community Development/Utilities And Engineering Department
PO Box 389
Newton, NC 28602

Contact Person: Laurie Huffman, Community Development Administrator

Recipient's Plan to Further Fair Housing

Recipient: Catawba County

Recipient's Address: PO Box 389, Newton, NC 28658

Contact Person: Laurie Huffman; Telephone (828) 465-8260; TDD No. 1-800-735-2962

- I. Indicate if the Recipient will be affirmatively furthering fair housing for the first time or has implemented specific activities in the past.

First Time X

Past Activities_____

- II. Identify and analyze obstacles to affirmatively furthering fair housing in recipient's community. (Use Additional pages as necessary.)

The major obstacle to affirmatively furthering fair housing in Catawba County is the lack of knowledge by the citizens about Title VIII. Many part-time landlords have no knowledge about fair housing, particularly discriminatory advertising.

Another obstacle to promoting fair housing involves the lack of affordable, standard rental housing in the County. Rentals are available, but many times these units are substandard according to building codes and energy efficiency standards.

- III. Briefly describe the activities that the recipient will undertake over the active period of the grant to affirmatively further fair housing in their community. A time schedule for implementation of these activities must be included. Activities must be scheduled for implementation at least on a quarterly basis. (Use additional pages as necessary.)

4th Quarter 2002 - The County will publish the HUD Fair Housing logo and Equal Employment Opportunity (EEO) language in its newspaper advertising.

1st Quarter 2003 - The County will request Fair Housing posters and pamphlets from the NCHRC, and making all citizens aware of their fair housing rights under Title VIII will be available at the County Administrative Offices, CDBG Offices and County Library.

2nd Quarter 2003 - The County will sponsor announcements on radio regarding Fair Housing Laws and complaint procedures.

3rd Quarter 2003 - The County will publish a notice in the local newspaper, The Hickory Daily Record informing citizens of the County's Fair Housing Plan and the procedure for receiving and resolving complaints. This notice will include the County's TDD number.

4th Quarter 2003 - The CDBG Office will maintain a current list of local realtors who are available to assist in locating housing for anyone needing assistance.

1st Quarter 2004 - Fair Housing posters making all citizens aware of their fair housing rights under Title VIII will be available at the County Administrative Offices, CDBG Offices and County Library.

2nd Quarter 2004 - The County will sponsor announcements on radio regarding Fair Housing Laws and complaint procedures.

3rd Quarter 2004 - Fair Housing pamphlets making all citizens aware of their fair housing rights under Title VIII will be available at the County Administrative Offices, CDBG Offices and County Library.

4th Quarter 2004 - The Chairman will send letters to realtors encouraging them to adhere fully with the Federal Fair Housing Act and HUD's advertising guidelines. Fair Housing pamphlets will be enclosed with the letters.

- IV. Will the above activities apply to the total municipality or Town?

Yes X

No_____ If no, provide explanation

- V. Describe recipient's method of receiving and resolving housing discrimination complaints. This may be either a procedure currently being implemented or one to be implemented under the CDBG grant. Include a

description of how the recipient informs the public about the complaint procedures. (Use additional pages as necessary.) (See Catawba County Fair Housing Complaint Procedure.)

APPROVED BY: /s/ Katherine E. Barnes, Chair, Catawba County Commissioners

Date: December 16, 2002.

**CATAWBA COUNTY
FAIR HOUSING COMPLAINT PROCEDURE**

Housing discrimination is prohibited by Title VIII of the Civil Rights Act of 1968 and by the North Carolina State Fair Housing Act. In an effort to promote fair housing and to ensure that the rights of housing discrimination victims are protected, Catawba County has developed the following procedures for receiving and resolving housing discrimination complaints:

1. Any person or persons wishing to file a complaint of housing discrimination in Catawba County may do so by informing the County Manager of the facts and circumstances of the alleged discriminatory act or practice;
2. All housing complaints shall be resolved at the local level if possible. If a resolution is not possible, then the complaint will be referred to the North Carolina Human Relations Commission;
3. When a housing complaint cannot be resolved at the local level, the County Manager shall inform the North Carolina Human Relations Commission about the complaint. The County Manager shall assist the Human Relations Commission and the complainant in filing an official written housing discrimination complaint with Catawba County pursuant to the State Fair Housing Act and Title VIII;
4. The County Manager shall offer his/her assistance to the Commissioners in the investigation and conciliation of all housing discrimination complaints which are based upon events occurring in Catawba County.
5. The County Manager shall publicize within the County that he/she is the local official to contact with housing discrimination complaints.
6. All housing complaints shall be responded to with written documentation within ten (10) calendar days.

/s/ Katherine E. Barnes, Chair, Catawba County Commissioners

Date: December 16, 2002.

ORDINANCE NO. 2002-14

**CATAWBA COUNTY PROJECT BUDGET ORDINANCE
FOR THE 2002 COMMUNITY DEVELOPMENT BLOCK GRANT
(ADVENTS CROSSROADS WATER PROJECT)**

Be it ordained by Catawba County Commissioners that pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following grant project ordinance is hereby adopted.

Section 1. The project authorized is the Community Development Project described in the work statement contained in the Grant Agreement (#02-C-1025) between this unit and the Department of Commerce. This project is more familiarly known as the 2002 Catawba County Advents Crossroads Water Project.

Section 2. The officers of this unit are hereby directed to proceed with the grant project within the terms of the grant document(s), the rules and regulations of the Department of Commerce, and the budget contained herein.

Section 3. The following revenues are anticipated to be available to complete this project.

Revenues

Community Development Block Grant	\$ 850,000
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Catawba County	\$ 276,276
	<u>\$1,126,276</u>

Section 4. The following amounts are appropriated for the project:

<u>Expenditures</u>	
Water Improvements(CDBG)	\$ 776,500
Water Improvements(County)	276,276
Administration(CDBG)	70,000
Planning(CDBG)	<u>\$ 3,500</u>
	<u>\$1,126,276</u>

Section 5. The Finance Officer is hereby directed to maintain within the Grant Project Fund sufficient specific detailed accounting records to provide the accounting to the grantor agency required by the grant agreement(s) and federal and state regulations.

Section 6. Funds may be advanced from the General Fund for the purpose of making payments as due. Reimbursement requests should be made to the grantor agency in an orderly and timely manner.

Section 7. The Finance Officer is directed to report quarterly on the financial status of each project element in Section 4 and on the total grant revenues received or claimed.

Section 8. The Budget Officer is directed to include a detailed analysis of past and future costs and revenues on this grant project in every budget submission made to this Board.

Section 9. Copies of this grant project ordinance shall be made available to the Budget Officer and the Finance Officer for direction in carrying out this project.

Adopted this the 16th day of December, 2002.

/s/ Katherine E. Barnes, Chair, Catawba County Commissioners

Attest:

/s/ Thelda B. Rhoney, Clerk to the Board

After a brief discussion, Commissioner Lail made a motion to approve the Advent Crossroads Water Project Budget Ordinance; Resolution adopting project policies, procedures and plan; Agreement with Western Piedmont Council of Governments; and Revenue Sharing Agreement with the City of Hickory. The motion carried unanimously.

7. a. 2. Utilities and Engineering Director Barry B. Edwards requested that the Board approved a waiver of fees for residential customers for disposal of yard waste at the Blackburn Landfill (does not include waiver of fees for commercial customers) due to the ice storm of December 4 and 5, 2002. He also requested that the Board extend the hours at the Blackburn Landfill on Saturday, December 21, 2002, from noon until 5:00 p.m. and extend the hours the Saturday after Christmas if there is enough participation to grant the extended hours. The waiver of fees are in effect until December 31, 2002. Mr. Edwards said the County will be applying for federal emergency funds from FEMA.

Mr. Edwards said GDS will be picking up debris (from the ice storm of December 4 and 5, 2002) for its customers during the annual curbside collection of Christmas trees from Monday, January 6, 2003 until Friday, January 17, 2003. The tree limbs must be no larger than 4 inches in diameter and no more than 4-feet in length. He said emergency FEMA funds will be applied for.

He said GDS will place an extra dumpster at all five convenience centers for the collection of debris.

Commissioner Barger thanked Mr. Edwards for offering this services and he made a motion to approve the waiver of fees and extension of hours for Mr. Edwards aforementioned request. The motion carried unanimously.

Commissioner Lail requested that staff publicize so the citizens are aware.

b. Mental Health:

1. Mental Health – Life Skills Facility.

Mental Health Director John M. Hardy said Catawba County has planned for an Alcohol & Drug Treatment Center since 1992. The project was bid in 1994 and bids came in over budget and the project was delayed. The Alcohol & Drug Treatment Center was included in the County's fiscal 1999/2000 Annual Budget for \$1,500,000. One third (\$500,000) of the estimated cost was funded from General Capital Projects and the balance (\$1,000,000) from Mental Health. On July 9, 2001, the Board of Commissioners approved the final design of the Alcohol & Drug Treatment Center and authorized the bidding of the project. The project was never bid due to Mental Health reform, which moved alcohol and drug treatment to the private sector.

The Long-Range Facilities Plan has identified Mental Health space needs as the second highest priority in Catawba County, behind Justice needs. The Alcohol & Drug Treatment Center was the top priority of the Mental Health Board, followed by space for Life Skills Programs. Some of the work already completed for Alcohol & Drug, such as a survey and soil testing, will not have to be repeated for Life Skills.

Life Skills is a day activity program for adults with significant developmental disabilities, who are a high priority target population. This program provides a range of work oriented and socialization activities up to eight hours per day, five days per week, for 35 people. It is anticipated that 50-55 persons will require this level of service within the next 2-3 years. About 25% of the participants are non-ambulatory, requiring specialized wheelchairs, and some 35% are non-verbal, but expressive. Approximately 60-70% require assistance with personal care. All require a high level of supervision and special considerations.

Given the unique needs of these people, and the importance of having such a day program, the Mental Health Board has given this a priority for construction, to assure that there is a properly designed and built facility to provide adequate, long-term care for Catawba's most special citizens. This is seen as an opportunity to create a space to meet these needs in a way that is cost efficient and most effective over time. He reviewed a proposed drawing of the new facility.

Facilities Director Michael Talbert said the Life Skills program currently leases 7,562 square feet from Catawba Valley Community College (CVCC), on East Campus, at an annual cost of \$79,100. CVCC has worked with Mental Health to satisfy the needs of Life Skills, but this was never seen as a permanent solution. CVCC will need that space in the next few years to serve a growing community college enrollment. The current lease ends on February 16, 2003.

Walter Robbs Callahan & Pierce has designed a concept for a new Life Skills facility with 15,800 SF at an estimated cost of \$1,715,600. The facility will bring Life Skills onto the DHR complex. The new facility would include reception, assessment, classrooms, kitchen & dining, lockers, laundry, sick room, stimulation room, loading dock, and warehouse. The facility would operate 5 days a week, 8:00 a.m. to 5:00 p.m.

The County approved one third of the cost (\$500,000) of a new Alcohol & Drug facility. Mental Health applied \$550,000 of their Fund Balance and has reserved \$275,000 of Mental Health Fund Balance in a capital reserve. Mental Health will be responsible for the balance of the project. The Mental Health Fund has received \$115,000 in grants and has earned \$60,593 in interest income. If no additional funds are secured for this project, the balance would be financed using 160A-20 financing, the lease purchase of real property. Mental Health will free-up \$79,100 from rental payments, and these funds could be used for debt service payments. With the current costs estimates, the annual debt service payments would be approximately \$46,750.

Included with the design of a new Alcohol and Drug building, was site work for a future parking. The additional site work could be bid as an alternate and was estimated to cost

\$246,000. Funding for the site work is outside the scope of this project and would be funded from the General Capital Projects Fund, Available Fund Balance. This will give staff the opportunity to evaluate the cost and benefit of completing the site work at this time.

Mr. Talbert said the Policy and Public Works Subcommittee recommended that the Board of Commissioners approve the concept for a new Life Skills Facility and authorize the transfer of funds approved for an Alcohol & Drug Treatment Center to Life Skills and approve the firm of Walter Robbs Callahan & Pierce to proceed with the schematic design of a Life Skills Facility.

Commissioner Hunsucker commended Mr. Hardy and his staff on the services they provide.

Commissioner Barger made a motion to approve the concept for a new Life Skills Facility and authorize the transfer of funds approved for an Alcohol & Drug Treatment Center to Life Skills and approve the firm of Walter Robbs Callahan & Pierce to proceed with the schematic design of a Life Skills Facility. The motion carried unanimously.

c. Facilities:

1. Purchase of School Property - Hickory Public Schools.

Facilities Director Michael S. Talbert said on April 2, 2001, the Board of Commissioners approved funds for the purchase of property for Middle School "B." The future school site is 23.29 acres from six different property owners and the purchase price was estimated to be \$406,220, having a tax value of \$321,000. Four parcels are being acquired through condemnation.

The Berry property was appraised at \$85,000 when condemnation was filed on March 26, 2001. The Berry property has an appraisal of \$400,000. Through mediation, an agreement has been reach to pay \$152,000 for the property, which was approved by the Hickory Board of Education on December 2, 2002. An additional \$67,000 will be needed to close on the property. The purchase of the 2.934-acre Berry property is the last parcel to be purchased.

The funds to purchase land for Middle School "B" came from unspent funds in the College Park Renovations project in the School Bond Fund. The additional \$67,000 will also come from the unspent funds in the College Park Renovations project. The College Park Renovations project has an unspent balance of \$849,522. The purchase price specified in said agreement, \$85,000, is hereby increased to \$152,000 to reflect the increase in property value.

Mr. Talbert said the Policy and Public Works Subcommittee recommended that the Board of Commissioners authorize a transfer of \$67,000 from the College Park Renovation project to complete the purchase of a 2.934-acre tract for the future construction of middle School "B." Mr. Talbert said the survey came out higher than the estimate acreage.

Transfers:

From:

427-750100-865300-32102-3-01	College Park Renovations	\$23,844
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To:

427-750100-865300-32111-1-01	Middle School "B"	\$23,844
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Commissioner Hunsucker made a motion to authorize a transfer of \$67,000 from the College Park Renovation project to complete the purchase of a 2.934-acre tract for the future construction of middle School "B." The motion carried unanimously.

d. Finance:

1. Finance Director Rodney N. Miller updated the Board on the bond sale of December 10, 2002. The bonds refunded \$15 million in 1991, 1993 and 1994 G. O. bonds. A net present savings of 5.33 percent was achieved or approximately \$750,000 over 12 years. The County's credit rating remained constant at AA- and AA2 for four reasons: 1) Existing low debt burden; 2)

sound financial position; 3) strong leadership in the face of unfunded state mandates; and 4) the diverse tax base that continues to expand.

2. Comprehensive Annual Financial Report for FY 2002.

Finance Director Rodney N. Miller introduced Mr. Bryan Starnes, Martin Starnes and Associates, the County's External Auditor

Mr. Starnes commended Mr. Miller and the Finance Department staff. He said there is a significant savings in the audit fee because the Finance Staff prepares, prints, binds the audit report. He said out of 100 counties probably only 15 draft their own audit reports. He reviewed changes in the accounting standards. Mr. Starnes said that Internal Auditor Rita Brittain did an outstanding job implementing the new standards. He briefly reviewed the contents of the audit report and said there were no findings or question costs. He also commended the Human Services Directors. He said there was no management letter this year. There was an increase of \$1.6 million in the fund balance for FY 2002 which was phenomenal in a year that the County faced with budget deficits from the State. He said the actions the County took were required, swift, accurate, and very good decisions. He said in general, counties are not seeing an increase in fund balances for FY 2002 and he commended the County Manager and Department Heads for making necessary budget cuts. He said there was a 16 percent unreserved fund balance which would be the same as a two months supply and the watermark used by the Local Government Commission is 8 percent. The overall financial condition of Catawba County is very good considering two to three years of tough economic times locally and investment earnings at an all time low. He said the County was maintaining a 16 percent unreserved fund balance and maintaining a low tax rate at the same time. He said the fund balance would have increased from \$1.6 million to \$3.1 if the County would have received its Homestead Exemption taxes, beer and wine taxes, and inventory taxes which the County found out in February those taxes were being withheld by the State. The interest rate was cut about 8 to 10 times within one year. The challenge is GASB 34, the new reporting model with 34 changes. He said the audit is larger that it used to be and there are two sets of income statements and two sets of balance sheets and you have to hunt for budget information. The budget information doesn't have the importance it used to have in the new reporting model. He briefly reviewed the two income statements and balance sheets. He briefly reviewed the transmittal letter, auditors opinion letter, and management discussion and analysis. Starting next year there will be comparisons. Major funds is new in GASB 34 and major funds are larger funds. GASB 34 goal is for a third party, a bank, investor or bonding investor to lay the report down beside a for-profit organization of similar size and try to make comparisons. Statement of activities will look like an income statement and will show the cost to deliver services. The statement of net assets will make Catawba County look larger than before as it has all the buildings, all equipment, and all rolling stock included.

Finance Director Rodney N. Miller distributed an overview of the audit to the Board Members and offered copies to members of the media as well. Mr. Miller recognized Rita Brittain and Assistant Finance Director Jeanne Jarrett. He gave a presentation of the year-end analysis. He said the County was in the same level of expenditures as last year and he commended management and the department heads.

Mr. Miller reviewed revenues and projections for next year. He reviewed tax rates by North Carolina counties with a high of \$1.10 per 100 dollar valuation in Scotland County and a low of 42 cents in Alamance County with an average of 68 cents statewide. Catawba County's tax rate is 49.5 cents which has been constant for the last three years. Catawba County has the fifth lowest tax rate among the 23 urban counties and the eleventh lowest tax rate among all 100 North Carolina Counties. He reviewed service fees and said the State mandated fee increased for the Register of Deeds on January 1, 2002. Sales taxes were at the same level as FY 2000, a setback of 2.35 percent. Sales taxes were up in July - September 2002 by 1.5 percent over last year. He estimated \$2.8 million in revenues due to the 1/2-cent sales tax increase adopted by the Board. He said the average return on investments dropped from 6 percent to 3.5 percent and the County lost approximately \$800,000 on investments this past year. He reviewed restricted intergovernmental revenues (state and federal revenues that go to the Human Services Departments) were flat this past year, and unrestricted intergovernmental revenues dropped \$1.5 million. He said the FCC did not allow tax on

Internet access. He briefly reviewed expenditures and services provided by the Human Services Departments.

Chair Barnes and Commissioner Hunsucker commended Mr. Miller and the Finance Department staff for the report.

Commissioner Hunsucker made a motion to accept audit. The motion carried unanimously.

8. Attorneys' Report. None.

9. Manager's Report. None.

10. Other items of business:

1. Chair Barnes on behalf of the Board wished everyone a Merry Christmas.
2. Chair Barnes said the Board would hold a work session on Thursday, January 9, 2003, at the Main Library, located at 115 West C Street, Newton, North Carolina, beginning at 8:00 a.m. to discuss goals and legislation.
3. County Manager J. Thomas Lundy requested that the Board hold a Closed Session pursuant to North Carolina General Statute 143-318.11 (a) (6) To consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee. Mr. Lundy said he did not anticipate any action after closed session.

At 8:37 p.m. Commissioner Barger made a motion to recess into Closed Session pursuant to North Carolina General Statute 143-318.11 (a) (6) To consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee. No action was taken after closed session.

At 8:37 p.m. Commissioner Hunsucker made a motion to return to open session. The motion carried unanimously.

11. Adjournment.

At 9:00 p.m., there being no further business to come before the Board, Commissioner Barger made a motion to adjourn. The motion carried unanimously.

Katherine W. Barnes, Chair
Catawba County Board of Commissioners

Thelda B. Rhoney
County Clerk